

JUL 25 1988

Jose A. Capeda Rodriguez, Esquire  
Goldman and Antonetti  
P.O. Box 13486  
Sanjurjo, Puerto Rico 00902

Re: Municipal Dump of Ponce  
EPA I.D. Number: PR880594704

Dear Mr. Capeda:

On June 21, 1988 the Environmental Protection Agency (EPA) received the affidavit signed by Mr. Rick Good, District Manager of Browning-Ferris Industries of Ponce Incorporated ("BFI") attesting to the fact that no waste was ever disposed of in Cell Number 1 at the Municipal Dump of Ponce. After reviewing your submittal, several issues, previously raised during our May 24, 1988 meeting, must be addressed before EPA can even consider granting cell number 1 protective filer status.

At the May 24 meeting, EPA stated that dated aerial photographs of the site would assist considerably in the determination to grant Cell Number 1 protective filer status. It is the Agency's understanding that various aerial photographs were available and ready to be submitted to EPA. However, these photographs were not included with your June 29, 1988 submittal. Please submit those photographs with a description of the topography including landmarks, boundaries, aerial direction, and an explanation supporting your claim that no waste was ever disposed of in Cell Number 1.

With respect to BFI's June 21, 1988 submittal page two, item number nine, Mr. Rick Good stated, "...that no waste had been placed no closer than approximately two hundred and fifty feet from the Cell Number 1." However, the distance from boring C-33 to Cell Number 1, as it appears from Exhibit 2 of your submittal, is approximately seventy-five feet. According to Exhibit 3 (Ponce Waste Facility Geotechnical Exploration Final Report November 3, 1983), waste was discovered in boring C-33 as well as in other samples located north of Cell Number 1. Please correct and explain these discrepancies.

In addition, the borings located along boundary of Cell Number 1 (C-41, C-42, C-44, C-50, C-63, C-67, C-84, C-85 and C-87) were reported as containing zero thickness of waste (Exhibit 3 of BFI submittal). When comparing these borings with those where waste was discovered, the depth of the borings are considerably different. Those that had no waste discovered were mainly shallow borings with the exception of borings C-84, C-85 and C-87. Why were the borings C-41, C-42, C-44, C-50, C-63 and C-67 drilled at such a shallow depth? Could waste have been placed at a deeper depth? What leads BFI to conclude that this area is truly virgin soil?

As discussed at the May 24, 1988 meeting, BFI must first address all issues before the Agency can make any protective filing determination. The affidavit provided by Mr. Rick Good constitutes a limited basis for making this determination. The affidavit failed to answer all our concerns previously stated in our May 24, 1988 meeting and raised more questions that need to be addressed. Please respond to these comments and submit the information requested which includes dated construction diagrams and/or well boring logs (e.g., M-7 or boring log C-88 which is located on the western boundary of Cell Number 1) by August 10, 1988. This information coupled with the June 29, 1988 submission will become part of the public record and should provide enough information for EPA to make its final determination.

Should you have any questions, please contact Angel Chang, of my staff, at (212) 264-9628.

Sincerely yours,

Stanley Siegel, Chief  
Hazardous Waste Facilities Branch

bcc: Angel Chang, 2AMH-HWF  
Douglas Ponce, 2AMH-HWF ✓  
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